

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: - Hon'ble Shri S.R. NAYAK, CJ

WRIT PETITION NO.5751 OF 2005Petitioner:

Prashant Kumar Mukherjee,
Aged about 84 years,
S/o Late Shri Manoranjan Mukherjee,
R/o Darogapara,
PO & District: Raigarh (C.G.)

VERSUSRespondents:

1. State of Chhattisgarh
Through: Secretary, Revenue,
Mantralaya, D.K.S. Bhawan,
PO & District: Raipur (C.G.)
2. The Collector, Raigarh
PO & Distt: Raigarh (C.G.)

Present:

Mr. B.R. Ghosh, learned counsel for the petitioner.

Mr. Yashwant Singh Thakur, learned Govt. Advocate for the State/respondents.

ORDER

(Passed on 22nd of November 2005)

This writ petition discloses how an unscrupulous person to the peril of the State interest and by resorting to totally meritless litigative processes could squat on the public property roughly for two decades after the expiry of the lease period.

2. The facts are simple and straightforward. The petitioner was allotted the subject property on temporary lease in the year 1974 for a period up to 1986. Although the petitioner sought renewal of the lease after the expiry of the lease period, admittedly, the lease was not renewed.

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Nevertheless, it appears that the petitioner highhandedly squatted on the public property for a long period of 13 years. When the matter stood thus, in the year 1999, at the instance of the Field Officer, it appears that the District Collector concerned thought it fit to evict the petitioner from the subject premises. At that stage, the petitioner moved the Commissioner by way of an appeal and the Commissioner, it appears, remanded the proceedings to the District Collector to consider the request of the petitioner *de-novo* after notice to the petitioner. When the matter stood thus, this writ petition was presented under Article 226 of the Constitution of India, seeking intervention of the Court.

3. This Court's power under Article 226 of the Constitution of India could be invoked by an aggrieved citizen or a person to enforce established legal rights. On the face of it, I do not find any semblance of legal right in the writ petitioner to approach this Court under Article 226 of the Constitution of India making any grievance. After the year 1986, the petitioner did not have any right whatsoever to squat on the subject property. It is not the contention of Mr. B.R. Ghosh, learned counsel for the petitioner that in terms of law, the second respondent Collector is legally bound to renew the lease or grant the fresh lease. It is prerogative of the Government and Governmental authorities how to dispose of their properties. It is not the right of the petitioner to insist that the District Collector is duty-bound to grant the lease in his favour simply because the Commissioner has remanded the proceedings to the District Collector to pass considered order after notice to the petitioner. That fact itself would not be a legitimate aid for this Court to put the stamp of authority on apparently illegal act on the part of the writ petitioner. On account of this

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lengthy litigative process on the part of the petitioner, the public justice has already suffered irreparable injury.

4. In the result, the writ petition is dismissed with exemplary costs quantified at Rs.5,000/- and the same is payable to the High Court Legal Services Committee within a period of two weeks from today.

Sd/-
Chief Justice

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